

## 中华人民共和国国家知识产权局

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邮政编码: 100101			发文日期	+
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	评,杨梧			
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+ y# C 2022101200710				
申请号:2003101209618				14
申请人:三星电子株式会社				
发明创造名称:光学拾取致动器、光	学记录和/或再现	装置及其方法		
第	一次审查	意见通知书		
				mm to mot it which
1. ②应申请人提出的实审请求,根据	专利法第 35 条第	再上款的规定,国家	知识产权局对上述发	明专利申请进
行实质审查。 □根据专利法第 35 条第 2 款的規	1字 国宏加祖本#	77 民水宁白行对上达	R-安阳	日本
2.	L 上, 国	义用伏足 日11 刈工人	区区的 女们中阴红11年	P 且。
Z. 以中頃八安水の共仁: KR 专利局的申i	青日 2002年 1	11月 26 日为优先村	双目,	
专利局的申i				
专利局的申i				
专利局的申请		月 日为优先权		
专利局的申		月 日为优先权		
☑申请人已经提交了经原申请国				TILL MY OD AT
□申请人尚未提交经原申请国受 ####################################	理机关证明的第一	一次提出的在先申请	育文件的副本, 根据专	利法第 30 条
的规定视为未提出优先权要求。				
3. <b>□</b> 经审查,申请人于: 年 月 日提交的	不符合实施	细则第 51 条的规定	<b>.</b>	
年 月 日提交的	, , , , , , , , , , , , , , , , , , , ,	法第 33 条的规定;	<b>-</b> 1	
年 月 日提交的	, ,,,			
4. 审查针对的申请文件:				
	对下述申请文件			
申请日提交的原始申请文件的权利要		项、说明书第	页、附图第 页	
. ,	的权利要求第	项、说明书第一		页;
· · · · · · · · · · · · · · · · · · ·	的权利要求第	项、说明书第	页、附图第	页;
	的权利要求第	项、说明书第 年 月	页、附图第 口想交的熔画器	页;
年 月 日提交 5. □本通知书是在未进行检索的情	的说明书摘要, 况下作出的	年 月	日提交的摘要附	[ <u>2</u> ] •
□本通知节是在未进行包含的信 □本通知书是在进行了检索的情			•	
<b>一</b> 本通知节定在近行了極系的情 <b>一</b> 本通知书引用下述对比文献(其		<b>「</b> 査过程中继续沿用	):	
编号 文件号或名		公开日期(或抵		
I. JP2002109		2002. 04. 12		
6 审查的结论性意见:				



□申请的内容属于专利法第5条规定的不授予专利权的范围。

□说明书不符合专利法第 26 条第 3 款的规定。

□关于说明书:

中语与 2003101209018				
□说明书不符合专利法第 33 条的规定。	.,			
□说明书的撰写不符合实施细则第 18 条的规定。 □				
→ <u>→ </u>				
√权利要求 13-19 不具备专利法第 22 条第 2 款规定的新颖性。				
□权利要求 不具备专利法第 22 条第 3 款规定的创造性。				
□权利要求不具备专利法第 22 条第 4 款规定的实用性。				
□权利要求属于专利法第 25 条规定的不授予专利权的范围。				
□权利要求不符合专利法第 26 条第 4 款的规定。				
□权利要求不符合专利法第 31 条第 1 款的规定。				
□权利要求不符合专利法第 33 条的规定。				
□权利要求不符合专利法实施细则第 2 条第 1 款关于发明的定义。				
□权利要求不符合专利法实施细则第 13 条第 1 款的规定。				
□权利要求不符合专利法实施细则第 20 条的规定。				
☑权利要求 <u>1,7</u> 不符合专利法实施细则第 21 条的规定。				
□权利要求不符合专利法实施细则第 22 条的规定。 □权利要求 不符合专利法实施细则第 23 条的规定。				
□仪利安水				
上述结论性意见的具体分析见本通知书的正文部分。				
7. 基于上述结论性意见,审查员认为:				
□申请人应按照通知书正文部分提出的要求,对申请文件进行修改。				
□申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由,并对通知书正文部分中指出	的不符			
合规定之处进行修改,否则将不能授予专利权。				
□专利申请中没有可以被授予专利权的实质性内容,如果申请人没有陈述理由或者陈述理由不充分	十,其申			
请将被驳回。				
8. 申请人应注意下述事项:				
(1)根据专利法第37条的规定,申请人应在收到本通知书之日起的肆个月内陈述意见,如果申请人无	正当理			
由逾期不答复,其申请将被视为撤回。				
(2)申请人对其申请的修改应符合专利法第33条的规定,修改文本应一式两份,其格式应符合审查指定	<b>南</b> 的有			
关规定。 (3)申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处,凡未邮寄或递交	5 公 受 理			
处的文件不具备法律效力。	<b>-</b> 和文在			
(4)未经预约,申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。				
9. 本通知书正文部分共有2页,并附有下述附件:				
✓引用的对比文件的复印件共1 份7 页。□				

审查员: 姜海(36 2006年5月25官

审查部门 通信审查部

## 第一次审查意见通知书正文

申请号: 200310120961.8

如说明书所述,本申请涉及一种光学拾取致动器。经审查,现提出如下审查意 见。

1. 独立权利要求1缺少解决技术问题的必要技术特征,如说明书所述,本申请涉及一种光学拾取致动器,其所要解决的技术问题是"提供一种小型化的光学拾取致动器,可以在聚焦方向、跟踪方向和半径倾斜方向上进行调节"。基于这种理解,"安装在用作聚焦线圈构件的第一和第二线圈构件的其中一个的下面的倾斜驱动线圈构件"是解决前述技术问题的必不可少的技术特征,该倾斜驱动线圈构件在电流作用下在半径倾斜方向上驱动托板,控制托板的移动,因此,权利要求1不符合实施细则第21条第2款的规定。申请人应当将其记载到该权利要求中。

同理,权利要求7缺少解决技术问题的必要技术特征,不符合实施细则第21条第 2款的规定。申请人应当将其记载到该权利要求中。

- 2. 权利要求13请求保护一种光学拾取器驱动方法,对比文件1(JP2002109766A)公开了一种光学头致动器中驱动控制的方法,并具体公开了(参见说明书第8栏第35段至第9栏第40段,图4)以下的技术特征:在固定部1上具有与物镜夹持器4分离设置的线圈系统60,70,物镜夹持器4上设置有永久磁铁20,在线圈系统和磁铁的相互作用下控制物镜夹持器在跟踪和聚焦方向上移动。由此可见,该对比文件1已经公开了权利要求13的全部技术特征,且对比文件1所公开的技术方案与权利要求13所要求保护的技术方案属于同一技术领域,技术方案相同,解决的技术问题相同,技术效果相同,因此权利要求13不具备专利法第22条第2款规定的新颖性。
- 3. 从属权利要求14的附加技术特征同样已被对比文件1公开(参见说明书第8栏第35段至第9栏第40段,图4): 固定部1上具有与物镜夹持器4分离的聚焦线圈70,在聚焦方向上控制夹持器的移动,因此当其引用的权利要求13不具备新颖性时,权利要求14也不具备专利法第22条第2款所规定的新颖性。
- 4. 从属权利要求15的附加技术特征同样已被对比文件1公开(参见说明书第8栏第35段至第9栏第40段,图4): 固定部1上具有与物镜夹持器4分离的跟踪线圈60,在跟踪方向上控制夹持器的移动,因此当其引用的权利要求13不具备新颖性时,权利要求15也不具备专利法第22条第2款所规定的新颖性。

- 5. 从属权利要求16的附加技术特征同样已被对比文件1公开(参见说明书第8栏第35段至第9栏第40段,图4):固定部1上具有与物镜夹持器4分离的聚焦线圈70和跟踪线圈60,在聚焦和跟踪方向上控制夹持器的移动,因此当其引用的权利要求13不具备新颖性时,权利要求16也不具备专利法第22条第2款所规定的新颖性。
- 6. 从属权利要求17的附加技术特征同样已被对比文件1公开(参见说明书第8栏第35段至第9栏第40段,图4):固定部1上具有与物镜夹持器4分离的倾斜线圈111,112,在半径倾斜方向上驱动物镜夹持器4,因此当其引用的权利要求13不具备新颖性时,权利要求17也不具备专利法第22条第2款所规定的新颖性。
- 7. 从属权利要求18的附加技术特征同样已被对比文件1公开(参见说明书第8栏第35段至第9栏第40段,图4): 固定部1上具有与物镜夹持器4分离的聚焦线圈70,跟踪线圈60,倾斜线圈111,112,在与永久磁铁的相互作用下在聚焦和跟踪方向上控制夹持器的移动,因此当其引用的权利要求17不具备新颖性时,权利要求18也不具备专利法第22条第2款所规定的新颖性。
- 8. 权利要求19请求保护一种记录和/或再现方法,其把数据记录到记录媒体上,并执行上述权利要求13(申请人写为权利要求19应属笔误)的驱动方法,对比文件1(JP2002109766A)公开了一种记录再现方法,并具体公开了(参见说明书第8栏第35段至第9栏第40段,图4)以下的技术特征:在固定部1上具有与物镜夹持器4分离设置的线圈系统60,70,物镜夹持器4上设置有永久磁铁20,在线圈系统和磁铁的相互作用下控制物镜夹持器在跟踪和聚焦方向上移动,并且该光学头可以执行将数据记录到记录媒体上的操作,这是隐含公开在对比文件1中的,由此可见,该对比文件1已经公开了权利要求19的全部技术特征,且对比文件1所公开的技术方案与权利要求19所要求保护的技术方案属于同一技术领域,技术方案相同,解决的技术问题相同,技术效果相同,因此权利要求19不具备专利法第22条第2款规定的新颖性。

申请人应当在本通知书指定的答复期限内对本通知书提出的问题逐一进行答复,必要时应修改专利申请文件,否则本申请将难以获得批准。申请人对申请文件的修改应当符合专利法第33条的规定,不得超出原说明书和权利要求书记载的范围。并请申请人注意,提交修改文本时,一并提交相应的对照参考页。



## FIRST OFFICE ACTION

According to the description, the present application relates to an optical pickup actuator. After examination, the opinions are provided as follows:

1. The independent Claim 1 lacks the essential technical features to solve the technical problem. According to the description, this application relates to an optical pickup actuator and the problem to be solved is "to provide miniaturized optical pickup actuator can adjust in the focusing direction, the tracking direction and the radial tilting direction". Based on such understanding, "the tilt driving coil members are installed under one of the first and second coil members that is used as the focusing coil member" is the essential technical feature to solve the above technical problem. The tilt driving coil member drives the blade and controls the movement of the blade in radial tilting direction under the current. Therefore, Claim 1 does not comply with the provision of Rule 21, paragraph 2 of the Implementing Regulations of the Patent Law of China. The applicant shall incorporate it into this claim.

Based on the same reason, Claim 7 lacks the essential technical feature to solve the technical problem and thus does not comply with the provision of Rule 21, paragraph 21 of the Implementing Regulations of the Patent Law of China. The applicant shall incorporate the content into this claim.

- 2. Claim 13 defines an optical pickup actuating method. The reference D1 (JP2002109766A) discloses a driving control method of an optical head actuator with the following technical features (refer to paragraph 35 column 8 to paragraph 40 column 9 of the description and Fig. 4): a holddown member 1 having the coil system 60, 70, separated with a lens-holder 4 which provides with a permanent magnet 20, the interaction of the coil system and the magnet controlling the moving of the lens-holder in the tracking direction and the focusing direction. It is seen that the reference D1 has disclosed all the technical features of Claim 13. The technical solution of the reference D1 and that of Claim 13 belong to the same technical field, they have the same technical solution, solve the same technical problem and achieve the same technical effect. Therefore, Claim 13 does not possess the novelty required under Article 22, paragraph 2 of the Patent Law of China.
- 3. The additional technical features of Claim 14 have been disclosed by the reference D1 (refer to paragraph 35 column 8 to paragraph 40 column 9 of the description and Fig. 4): The holddown member 1 having the focal coil 70, separated

with the lens-holder 4, controlling the moving of the holder in the focusing direction. When Claim 13 it refers to does not possess the novelty, Claim 14 does not possess the novelty required under Article 22, paragraph 2 of the Patent Law of China.

- 4. The additional technical features of the dependent Claim 15 have been disclosed by the reference D1 (refer to paragraph 35 column 8 to paragraph 40 column 9 of the description and Fig. 4): the holddown member 1 having the tracking coil 60, separated with the lens-holder 4, controlling the moving of the holder in the tracking direction. Therefore, when Claim 13 it refers to does not possess the novelty, Claim 15 does not possess the novelty required under Article 22, paragraph 2 of the Patent Law of China.
- 5. The additional technical features of the dependent Claim 16 have been disclosed by the reference D1 (refer to paragraph 35 column 8 to paragraph 40 column 9 of the description and Fig. 4): the holddown member 1 having the focal coil 70 and the tracking coil 60, separated with the lens-holder 4, controlling the moving of the holder in focusing direction and the tracking direction. Therefore, when Claim 13 it refers to does not possess the novelty, Claim 16 does not possess the novelty required under Article 22, paragraph 2 of the Patent Law of China.
- 6. The additional technical feature of the dependent Claim 17 has been disclosed by the reference D1 (refer to paragraph 35 column 8 to paragraph 40 column 9 of the description and Fig. 4): the holddown member 1 having the tilt coils 111, 112, separated with the lens-holder 4, driving the lens-holder 4 in radial tilting direction. When Claim 13 it refers to does not possess the novelty, Claim 17 does not possess the novelty required under Article 22, paragraph 2 of the Patent Law of China.
- 7. The additional technical features of Claim 18 have been disclosed by the reference D1 (refer to paragraph 35 column 8 to paragraph 40 column 9 of the description and Fig. 4): the holddown member 1 having the focal coil 70, the tracking coil 60 and the tilt coils 111, 112, interacting with the permanent magnet to control the moving of the holder in the focusing and tracking directions. Therefore, When Claim 17 it refers to does not possess the novelty, Claim 18 does not possess the novelty required under Article 22, paragraph 2 of the Patent Law of China.
- 8. Claim 19 defines a recording and/or reproducing method, which registers the data on a recording medium and performs the driving method of Claim 13 (the examiner thought that the applicant writes it as claim 19 due to the clerical error). The reference D1 (JP2002109766A) discloses a reproducing method with the following

technical features (refer to paragraph 35 column 8 to paragraph 40 column 9 of the description and Fig. 4): the holddown member 1 having the coil system 60, 70, separated with the lens-holder 4 which provides with the permanent magnet 20, the interaction of the coil system and the magnet controlling the moving of the lens-holder in the tracking direction and the focusing direction, and the optical head performing the operation of recording the data to the recording medium, which is indicated in the reference D1. It is seen that the reference D1 has disclosed all the technical features of Claim 19. The technical solution of the reference D1 and that of Claim 19 belong to the same technical field, they have the same technical solution, solve the same technical problem and achieve the same technical effect. Therefore, Claim 19 does not possess the novelty required under Article 22, paragraph 2 of the Patent Law of China.

The applicant shall answer the questions in this office action one by one and make amendment to the application documents when necessary. Otherwise, this application is hard to be granted the right of patent. Any amendment to be made shall not go beyond the scope of the original description and claims so as to comply with the provision of Article 33 of the Patent Law of China. The applicant shall notice that when submitting the amended documents, he shall also submit the sheet of amendment which is made on a duplicate of the initial page.